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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 UNITED STATES OF AMERICA,

7 Plaintiff

8 v.

9 KARINA RODRIGUEZ,

10 Defendant.

CASE NO. CR19-203RSM

ORDER DENYING MOTIONS FOR
RECONSIDERATION RE:
COMPASSIONATE RELEASE

11 This matter comes before the Court on the two letters filed by Defendant Karina
12 Rodriguez, Dkts. # 747 and #749, interpreted by the Court as Motions for Reconsideration of the
13 Court's prior Order, Dkt. #744, which denied Defendant's Motion for Compassionate Release.

14 Neither letter is labeled a motion. Both are addressed to the undersigned and seek a new
15 ruling on the Court's prior Order. Both letters raise perceived errors in the Court's prior Order
16 and attempt to introduce new evidence. Neither letter uses the word "reconsideration," cites the
17 appropriate rule, nor contemplates a response from the Government.
18

19 Motions for reconsideration are disfavored. CrR 12(b)(13)(A). The court will ordinarily
20 deny such motions in the absence of a showing of manifest error in the prior ruling or a showing
21 of new facts or legal authority which could not have been brought to its attention earlier with
22 reasonable diligence. *Id.* A motion for reconsideration shall be plainly labeled as such. CrR
23 12(b)(13)(B). Failure to comply with this may in itself be grounds for denial of the motion. *Id.*
24 No response to a motion for reconsideration shall be filed unless requested by the Court. CrR
25 12(b)(13)(C).

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27 ORDER DENYING MOTIONS FOR RECONSIDERATION RE: COMPASSIONATE
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The Court finds that both Motions for Reconsideration are procedurally improper and can
be denied on that basis. In the interest of justice, the Court has reviewed the content of the letters
and determined that relief should also be denied because Ms. Rodriguez has failed to show
manifest error in the prior ruling or new facts or legal authority which could not have been
brought to the Court's attention earlier with reasonable diligence. The Court understands that
Ms. Rodriguez is scared about contracting COVID-19 a second time and has lingering symptoms,
including a loss of taste and smell. However, Ms. Rodriguez's subjective belief that her medical
conditions render her at heightened risk of harm from COVID-19 is not supported by sufficient
evidence and has been adequately addressed in the prior Order. The Court continues to find that
Ms. Rodriguez has failed to show a risk factor for COVID-19 sufficient to demonstrate
extraordinary and compelling reasons for a sentence reduction.

13 Ms. Rodriguez's new evidence of the conditions at FMC Carswell is outside the scope of
14 her original Motion and she has failed to exhaust administrative remedies for the filing of a new
15 motion for compassionate release. The Court has no reason to interpret the instant filings as new
16 motions for compassionate release. Even if Ms. Rodriguez were to refile, the Court would not
17 grant the requested relief based on the limited facts submitted.
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19 Accordingly, having reviewed the Motions, along with the remainder of the record, the
20 Court hereby finds and ORDERS that Defendant's Motions for Reconsideration, Dkts. # 747 and
21 #749, are DENIED.

DATED this 28th day of November, 2022.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER DENYING MOTIONS FOR RECONSIDERATION RE: COMPASSIONATE RELEASE – 2